

# WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1025) to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

The Clerk read as follows:

S. 1025

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Wichita Project Equus Beds Division Authorization Act of 2005".

## SEC. 2. EQUUS BEDS DIVISION.

The Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" (Public Law 86-787; 74 Stat. 1026) is amended by adding the following new section:

### "SEC. 10. EQUUS BEDS DIVISION.

"(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the 'Integrated Local Water Supply Plan, Wichita, Kansas' (referred to in this section as the 'Equus Beds Division'). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

"(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

"(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

"(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

"(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations.

"(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to exceed 25 percent of the total cost or \$30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations

in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

"(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate 10 years after the date of enactment of this section."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

### GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

S. 1025, introduced by Senator PAT ROBERTS and supported by our Kansas colleague TODD TIAHRT, authorizes the Secretary of the Interior to assist in the funding and implementation of an aquifer recharge program near the city of Wichita.

The Equus Beds aquifer has supplied water to Wichita for over 60 years, but groundwater levels continue to decline. The bill's project will use excess water flows from the Little Arkansas River to recharge the aquifer and would provide significant new water storage capacity for area water consumers. This enhanced aquifer recharge and storage concept will help impede saline water intrusion and enhance the region's long-term water needs.

I urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. JONES has explained very well this bill. We have no objection to passage of S. 1025. The Committee on Resources approved similar legislation in the 108th Congress. The Federal cost-share for this project is not excessive, and the project itself will have a beneficial effect on local groundwater supplies.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, at this time I would like to yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I would like to thank the gentleman from North Carolina. He has not only been a good leader, but a great friend, and I appreciate his yielding the time and the work he has done in favor of this bill.

Mr. Speaker, I rise today in favor of the Wichita Project Equus Beds Divi-

sion Authorization Act, S. 1025. The bill authorizes the Equus Beds aquifer recharge project in south-central Kansas and will help meet the water needs of nearly 500,000 people in the State. This is an environmentally sound project, and it will help ensure local residents, agricultural irrigators, and industrial businesses have access to clean water for decades.

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I want to thank Chairman POMBO for his leadership in assisting me over the past few years on this important water project. Both he and the staff on the House Resources Committee have been very good to work with.

Chairman POMBO has helped ensure authorization for the needed recharge of the Equus Beds aquifer, and ensured that it was done right away. I appreciate my colleague and good friend, Senator PAT ROBERTS, for his championing this effort in the authorization bill in the Senate. He got the job done in the other body. Now it is time to finish the process in the House today.

Because the House has already approved authorization language contained in S. 1025 last year, passage of this bill today will be the final step needed to send it to the President for his signature.

I should also thank the city of Wichita officials for their effort in helping move this project forward. Their vision to ensure the greater Wichita area has a sustainable source of water both now and in the future is why this project started. Wichita's water supply projects administrator, Gerry Blain, has been great to work with. Gerry has been especially helpful to me and my staff in navigating the details of the recharge project. I appreciate his dedication to public service.

The Equus Beds aquifer recharge project involves taking floodwater from the Little Arkansas River and depositing that excess water into the aquifer through water supply wells, after going through a filtration system. Since the 1950s, the water levels in the aquifer have dropped 40 feet because of water rights and pumping excesses. The aquifer's natural recharge rate of 6 inches per year will not keep up.

Due to this overusage, saltwater from the Southwest and oil field brine from the Northwest have threatened the aquifer. When the aquifer's levels were higher, the elevated levels created a natural barrier to keep the contamination at bay.

But now that the water levels have dropped, the natural barrier is no longer there. If the aquifer is not replenished, the maximum chloride levels will eventually exceed what is permitted in both agricultural and municipal usage. This aquifer recharge project is a win-win project for all of the communities that depend on its water.

The city of Wichita and surrounding municipalities benefit because water can be safely stored to meet short-term

and long-term water supply needs. Agricultural irrigators benefit because the risk of saltwater contamination is reduced. Without this natural barrier, an elevated water level in the aquifer, the water would eventually become contaminated to the point where it would not be suitable even for use on crops. Irrigators should see reduced costs associated with pumping, since the water levels of the aquifer will rise.

The Little Arkansas River and its ecosystem will also benefit. During the times of drought, a natural discharge from Equus Beds' aquifer into the river will occur, creating a more stable base flow.

Under S. 1025 the city of Wichita will be required to maintain and operate the recharge project, which ensures the Federal Government will not bear the cost associated with this ongoing operation.

Recharging the Equus Beds is the most cost-efficient means to provide water for the communities in south central Kansas. And it is the best option available to keep salt and oil field brine out of its critical water supply without greatly restricting water usage. So I urge my colleagues to join me today in supporting S. 1025.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the Senate bill, S. 1025.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### TYLERSVILLE FISH HATCHERY CONVEYANCE ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4957) to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, as amended.

The Clerk read as follows:

H.R. 4957

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—TYLERSVILLE FISH HATCHERY CONVEYANCE

##### SECTION 101. SHORT TITLE.

This title may be cited as the "Tylersville Fish Hatchery Conveyance Act".

##### SEC. 102. CONVEYANCE OF TYLERSVILLE NATIONAL FISH HATCHERY TO THE STATE OF PENNSYLVANIA.

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall con-

vey to the State of Pennsylvania without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b) for use by the Pennsylvania Fish and Boat Commission as part of the State of Pennsylvania fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) consists of—

(1) the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center comprised of approximately 40 acres leased to the State of Pennsylvania Fish and Boat Commission, located on 43 Hatchery Lane in Loganton, Pennsylvania, as described in the 1984 Cooperative Agreement between the United States Fish and Wildlife Service and the State of Pennsylvania;

(2) all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, equipment, and all easements and leases relating to that property; and

(3) all water rights relating to that property.

(c) REVERSIONARY INTEREST.—If any of the property conveyed to the State of Pennsylvania under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of Pennsylvania shall ensure that all property reverting to the United States under this subsection is in substantially the same or better condition as at the time of transfer to the State.

#### TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

##### SEC. 201. SHORT TITLE.

This title may be cited as the "National Fish and Wildlife Foundation Reauthorization Act of 2006".

##### SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 10(a)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(1)) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2006 through 2010".

##### SEC. 203. APPLICATION OF NOTICE REQUIREMENT LIMITED TO GRANTS MADE WITH FEDERAL FUNDS.

Section 4(i) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(i)) is amended by striking "grant of funds" and inserting "grant of Federal funds in an amount greater than \$10,000".

##### SEC. 204. CLARIFICATION OF AUTHORITY TO USE FEDERAL FUNDS TO MATCH CONTRIBUTIONS MADE TO RECIPIENTS OF NATIONAL FISH AND WILDLIFE FOUNDATION GRANTS.

Section 10(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(3)) is amended by inserting "or to a recipient of a grant provided by the Foundation," after "made to the Foundation".

#### TITLE III—NEOTROPICAL MIGRATORY BIRD CONSERVATION IMPROVEMENT

##### SEC. 301. SHORT TITLE.

This title may be cited as the "Neotropical Migratory Bird Conservation Improvement Act of 2006".

##### SEC. 302. AMENDMENTS TO NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

(a) FINDINGS.—Section 2(1) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101(1)) is amended by inserting "but breed in Canada and the United States" after "the Caribbean".

(b) PURPOSES.—Section 3(2) of such Act (16 U.S.C. 6102(2)) is amended by inserting "Canada," after "United States".

(c) DEFINITION OF CARIBBEAN.—Section 4 of such Act (16 U.S.C. 6103) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (5), respectively;

(2) by inserting after paragraph (1) the following:

"(2) CARIBBEAN.—The term 'Caribbean' includes Puerto Rico and the United States Virgin Islands."; and

(3) by inserting after paragraph (3), as so redesignated, the following:

"(4) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a)."

(d) AUTHORIZATION OF PROJECTS TO ENHANCE CONSERVATION IN CANADA.—Section 5(c)(2) of such Act (16 U.S.C. 6104(c)(2)) is amended by inserting "Canada," after "the United States".

(e) COST SHARING.—Section 5(e)(2)(B) of such Act (16 U.S.C. 6104(e)(2)(B)) is amended to read as follows:

"(B) FORM OF PAYMENT.—

"(i) PROJECTS IN THE UNITED STATES AND CANADA.—The non-Federal share required to be paid for a project carried out in the United States or Canada shall be paid in cash.

"(ii) PROJECTS IN LATIN AMERICA AND THE CARIBBEAN.—The non-Federal share required to be paid for a project carried out in Latin America or the Caribbean may be paid in cash or in kind."

(f) ADVISORY GROUP.—

(1) COMPOSITION.—Section 7(b)(1) of such Act (16 U.S.C. 6106(b)(1)) is amended by adding at the end the following: "The advisory group as a whole shall have expertise in the methods and procedures set forth in section 4(2) in each country and region of the Western Hemisphere".

(2) ENCOURAGEMENT TO CONVENE.—The Secretary of the Interior is encouraged to convene an advisory group under section 7(b)(1) of such Act by not later than 6 months after the effective date of this Act. This paragraph shall not be considered to authorize delay of the schedule previously established by the United States Fish and Wildlife Service for the submission, judging, and awarding of grants.

(g) REPORT.—Section 8 of such Act (16 U.S.C. 6107) is amended by striking "October 1, 2002," and inserting "2 years after the date of the enactment of the Neotropical Migratory Bird Conservation Improvement Act of 2006".

(h) NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.—

(1) IN GENERAL.—Section 9 of such Act (16 U.S.C. 6108) is amended by striking so much as precedes subsection (c) and inserting the following:

##### "SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the 'Neotropical Migratory Bird Conservation Fund'. The Fund shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

"(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

"(1) all amounts received by the Secretary in the form of donations under subsection (d); and

"(2) other amounts appropriated to the Fund."

(2) ADMINISTRATIVE EXPENSES.—Section 9(c)(2) of such Act (16 U.S.C. 6108(c)(2)) is amended by striking "\$80,000" and inserting "\$100,000".

(3) CONFORMING AMENDMENTS.—Such Act is amended further as follows:

(A) In section 4 (16 U.S.C. 6103), by striking paragraph (1) and inserting the following:

"(1) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a)."